

The Daily Tar Heel

In its sixty-ninth year of editorial freedom, unbampered by restrictions from either the administration or the student body.

THE DAILY TAR HEEL is the official student publication of the Publications Board of the University of North Carolina.

All editorials appearing in THE DAILY TAR HEEL are the personal expressions of the editor, unless otherwise credited; they are not necessarily representative of feeling on the staff.

March 6, 1962

Tel. 942-2356

Vol. LXIX, No. 107

Even From Buckley

We Expected More

The National Review, last week quite by coincidence carried a "review of author-politician Gore Vidal's latest Broadway show, "Romulus." Also by coincidence, Vidal happened to be the gentleman who loosed some rather pointed comments about William F. Buckley, Jr., on the Jack Paar show recently.

Buckley, by coincidence, edits the National Review. Strange as it may seem from all this, "Romulus," by coincidence, was panned by the reviewer.

Beyond all this coincidence, there is the question of the review itself. Roughly half of it was devoted to the play; the remaining half was dedicated to the vilest sort of smear of Vidal himself. Pointing out that "the author of the play is far more interesting than 'Romulus,'" the reviewer, Noel Parmentel, Jr., lets loose with a snickering, back-room-smut attack on Vidal that would better grace the pages of Confidential than anything faintly resembling a respectable publication.

Relying for the most part on not-so-veiled innuendo, reviewer Par-

mentel goes right to the brink of libel in an attempt to undercut Vidal.

Some of the less vicious comments:

"Gore Vidal's concern with ('effeminate') theater would seem to follow from some of the things he has concerned himself with in the past."

"During his early career as a 'serious' novelist, he evinced an interest in homosexuality equalled only by that of . . . the editors of 'One.' Many of his novels and stories are clinical, apparently informed commentaries on the problem."

Other comments by the "reviewer" are considerably more pointed, and couched in much more colorful — to say the least — language.

This sort of vicious back-biting and smearing is not even worthy of the National Review — which is saying quite a lot. The attack is vicious, vulgar and thoroughly in bad taste.

We expected more than this, even from Buckley.

A Unique Opportunity

Russian Visit

The visit of twelve Russian graduate students to the University the latter part of this month represents a unique opportunity for us to observe close-up what the experts call the cardinal danger of communism: The religious dedication which motivates its adherents and orders their thinking.

Only the irrational can even hope that our guests will not be superbly-trained highly-intelligent young Party men who are ultra-trustworthy devotees of Russian Communism, determined to do their part in eventually "burying" capitalism. It does not make the crudest kind of sense for us to believe otherwise.

After all, if we were sending a group of American students to Russia on a trip such as this, we would send none but the best. It is absurd to think that the communists have

not done likewise.

And facing up to the facts of the students' visit, as those facts appear from here, is not to condemn the students. It is simply to be realistic. If anyone is to be condemned, it must be the Russian leaders who have forged a system that turns people into semi-automatons as many persons expect our guests will be.

It seems the most we can try to do, where the students are concerned, is ventilate their stereotyped notions of us by receiving them warmly, according them the hospitality for which Americans — Southerners in particular — are justly famous, not going out of our way to try to convert them to our way of thinking, and getting all the insight we can into what makes them tick.

We are almost certain to be frustrated in our attempts to befriend the students, it seems to me, and in our attempts to compare with them the relative advantages of our respective ways-of-life. One of the sterile beauties of communism is that its leaders have perfected the art of rationalization, and the students undoubtedly are well-vaccinated against any and all ideas that do not coincide with their carefully-molded beliefs.

There is another factor, too. Perhaps some of the students will wish to do more than see only what they wish to see. But it does not seem unreasonable to think that perhaps one of each student's tasks is to keep an eye on his fellows and report on their conduct.

In essence, then, we should not expect the students to be overly friendly or especially reasonable. But we should expect to learn from them that which we are told we have most to fear from communism.

—GARRY BLANCHARD

Segregation & Supreme Court

The last judicial prop under the effort of Southern states to evade or delay racial desegregation of public transportation facilities by means

of conflicting local laws was swept away by the Supreme Court in its unanimous, peremptory (per curiam) ruling of Feb. 26. The Court

said sharply it had "settled beyond question that no state" can "require" this discrimination. And it cited three direct and eight corollary

decisions as proof that "settlement" was made by due process of law.

In logical and factual sequence the Supreme Court then instructed a Federal district judge in Mississippi no longer to delay trying the cases of Freedom Riders, who have been jailed for insisting on their right to desegregated transportation, until state tribunals have passed on the constitutionality of the local laws in conflict. This delay was ordered by a three-judge Federal court, in consonance with a procedural principle which the Supreme Court itself had sanctioned. But, said the Justices on Feb. 26, this principle could not be applied when its "prior decisions" have, as in this instance, made "trivoltious any claim that a (state) statute is not unconstitutional on its face." And the Supreme Court ruling strongly implied a notice to the Federal trial judge that jail sentences for insisting on desegregated transport facilities are invalid when this insistence is made peacefully.

The per curiam ruling, moreover, completed the funeral services and interment of the constitutional doctrine the Supreme Court proclaimed in Plessy v. Ferguson (1896) and maintained until 1954. This doctrine, applied in that case also to transportation, was that if public facilities are "equal" they constitutionally may be "separate." But, though the Supreme Court in 1954 reversed Plessy in general while reversing its principle as applied to public primary and high schools, state school laws have since been upheld whose incidental effect may be racial segregation.

The key statute is the Alabama Pupil Placement Law. It establishes certain criteria — health, moral environment, effects on public order, etc. — on which local boards may grant or deny the requests of pupils for admission to or transfer from a public school. The Supreme Court found this "not unconstitutional on its face" — no statutory device to perpetuate total school segregation — but unconstitutional in operation when an enduring and deliberate pattern or single example of racial bias can be established as the rea-

son for denial of admission or transfer.

The asserted authority of the Supreme Court to ban legalized racial segregation has thus expanded since the 1954 decision. But, though this extension has indeed prevailed, it has not changed the view of many respected lawyers that neither the Federal Constitution nor any United States statute authorized the Supreme Court's 1954 ban on racial separation in the public schools on which its subsequent desegregation rulings in other areas are based. However, once the Court has assumed the function of making new public policy without specific constitutional or statutory foundation, as it did with respect to segregation in 1954, the policy can be nullified only by non-enforcement on the part of the Executive, or by acts of Congress to the contrary. Rarely has a President declined to provide this enforcement. And nullification by Congress is effectively restrained because ever since the Supreme Court found authority to declare both Congressional acts and Executive actions unconstitutional the American people have accepted this as necessary to orderly government.

These are the sources of the supremacy of the Federal judiciary over the other two coordinate branches of the Government of the United States that has become a fact of our national life. It is customary for lawyers and judges to deny this, but it operates nevertheless with the finality Charles E. Hughes conceded in his uniquely candid statement that "the Constitution is what the judges say it is" at any time. That truth was clearly revealed in the school decision of 1954. Its rationale was that racial segregation is "a denial of the equal protection of the laws (Fourteenth Amendment)" because separated school facilities are "inherently unequal." And this judgment was based on researches by sociologists from which they concluded that racial segregation "generates a feeling of inferiority" among Negro school children "that may affect their hearts and minds in a way unlikely ever to be undone."

"Wait A Minute — That's Not What I Had In Mind"



Urban Affairs Department: No Need

Editor's Note: Although the proposed new department of urban affairs has been soundly defeated and killed in the House, President Kennedy has announced that he has not abandoned plans for a later attempt at establishing the new department. The following reprint from the Western Political Quarterly discusses practical, non-political aspects of such a department.

Not only are there strong political arguments against the creation of a department of urban affairs, but there is a strong case against it on grounds of administrative soundness. Creation of a department has come to be regarded as a panacea for all administrative ills. Yet a study of the service departments over the years, and of the Department of Defense in particular, since its creation in 1947, produces considerable evidence that departmentalization is not a guaranteed cure for administrative difficulties. Establishment of a department, indeed, may only delay the cure or force it to take place in different surroundings. Back of the proposal is the idea that a simple organizational change will provide the answer for urban and metropolitan problems. This is a false belief. The mere creation of a new administrative unit is not the answer to a problem as complex as that presented by the phenomenon of metropolitanization. Creation of a department would beg the most important question of all, what is the federal government's proper role in urban areas? The answer is not merely to assign urban affairs to a single organizational unit. It is a matter of principle and philosophy, not of method. To create a method without first having established a philosophy to base it on is to put the proverbial cart before the horse. Coming as they do at this

time, when the federal government's thoughts about the basic issues involved are still inchoate, such a proposal is clearly premature.

Moreover, a department of urban affairs as proposed would be based on a geographical concept rather than on a functional one. To admit it would be to introduce a maverick into the administrative corral. The work of such a department, if all the programs carried on by the federal government affecting cities were placed under its jurisdiction, would necessarily cut across the functions of a great many existing agencies and departments. Indeed, once the Pandora's box is opened, how is it to be closed? What programs do not have an urban interest, save those pertaining strictly to agriculture? If housing and related activities and civil defense are the first to be included, how can arguments for the inclusion of a host of others be denied? Thus in the hearings of H.R. 1864, the representative of the American Municipal Association declared that in his opinion the new department "should include such items as highways and urban transit, airports and airport administration, public health matters . . . water and air pollution, and juvenile delinquency" in addition to housing and urban development and renewal and civil defense. What would be the effect at least on the departments of Commerce, Interior, and Health, Education and Welfare of the creation of a department of urban affairs? It would certainly conflict with their organization and on-going programs, to say nothing of the complexities it would introduce into the programs of many independent regulatory agencies. To insert an executive department based on a geographical pattern into a system primarily organized functionally would make for more, rather than less, confusion in the administrative structure.

It is argued that the new department would simply parallel the existing Department of Agriculture and serve city dwellers in the same way that Agriculture serves the farmers. But even if it be admitted that Agriculture is principally concerned with farmers, yet its organizational base is strictly functional. A comparable situation would be created if the new department were made simply the department of housing. This title, however, would not give it cognizance over the broad area of urban problems which sponsors of the new department desire. What would be done with activities like

airports, highways, and water pollution? Is it suggested that these functions too be divided along geographic lines and that urban highways be placed in the new department but rural highways left where they are now? Would highway matters thus be divided between two departments? Would the same duplication be repeated for water and air pollution, airport construction and maintenance, water supply, hospital construction, and all the manifold other urban programs of the federal government? Indeed, with what department and agency of the federal establishment would a department conceived upon geographic lines not conflict? To ask the question is to supply the answer. To create such a department would be to create an organizational misfit.

Moreover, it cannot be conclusively demonstrated that merely because certain activities of the federal government reach a particular magnitude they should automatically be brought together under a single executive department. The Veterans' Administration would seem to be a case in point. In terms of the number of employees, size of budget, and amounts of money distributed, it would long ago seem to have deserved elevation to departmental status. Yet it has functioned with benefit to the group it serves through the years without cabinet status. What advantages would have accrued to have converted it into an executive department? Proponents of the department of urban affairs

claim that one advantage would be better representation in the administrative structure. The heads of BHFA and OCDM now sit with the President's cabinet when matters pertaining to them are discussed. What would be gained by giving them secretarial status?

But it is argued that instead of occasional participation in the cabinet, the urban affairs secretary would be a full-time member. This argument is based on the assumption that the cabinet is in fact a policy-forming body. Actually the President makes policy, and the cabinet may or may not be consulted. Confusing the British system with its theory of cabinet responsibility and the American system where it is sometimes said the cabinet members are the natural enemies of the President is responsible for this. Under the American system access to only one man, the President, is important, because he bears the chief burden for policy-making. Entree at the White House is much more important than cabinet status. Harry Hopkins, during World War II, was a good example of a man who did not have cabinet status but who was much more powerful than any cabinet officer because of his entree to the President. Good entree at the White House, good working relations with Congress, and effective group pressure produces better results in many cases than a seat in the cabinet.

Nor can it be demonstrated that the research and educational pro-

grams which are so urgently needed with regard to metropolitan problems can be carried out best by a single department. How much research of a general nature is worthwhile? In regard to mass transportation, for example, must not a solution be fitted to the needs of each individual metropolitan area? Indeed, is there a need for the federal government to conduct such research at all? Today there is a host of agencies, public and private, carrying on research on these problems.

Finally, a department of urban affairs is unnecessary now. Attention to metropolitan problems is not guaranteed merely by the creation of an executive department. It can be secured as well under the existing arrangement of agencies, once they all recognize "that our metropolitan communities provide the environment within which the greatest number of people live and the largest part of the nation's business is carried out."

Given the need for focusing the attention of the federal government on metropolitan area problems, creation of a department of urban affairs or its equivalent is not the way to accomplish the objective. The proposal does not make political sense, it is not in accord with the administrative concepts on which the rest of the executive branch is based, and functionally it would add to the difficulties of effective administration.

This Is Fair Representation?

The Student Legislature has once again overstepped its bounds and passed a proposal supposedly representing the attitudes of the student body.

The recent Test Ban Proposal passed by the legislature and then sent to President Kennedy is a deplorable travesty of justice and infringes upon the basic rights of the student body.

It is not, however, so much the results of this proposal as it is the means by which the results were achieved. If such an important national issue was upcoming, especially around election time, a poll of student opinion should have been mandatory. In this case, little effort, if any, was used to poll student

opinion.

As it stands now 18 students (even 15 members of the legislature voted it down) claim to be the mouthpiece for over 8,000 students. We have been officially recorded as saying that we are in favor of the test ban, but are we?

This appears not to be the first time that the Student Legislature has decided to play the role of the supreme ruler. Past racial policies also point out the oligarchical tendency of this governing body.

Even their arguments seem to cry out for an oligarchy under the pretense of being a Republic. A perfect example of this was shown in the article in the Sat. March 3 DTH. The entire article was a master-

piece in avoiding an issue, besides being to coin a phrase from its author—"pure mush."

In conclusion, I believe that the entire student body should wake up, look around and see what has become of their rights. I therefore urge everyone to sign the circulating petition reprimanding the student legislature.

Overlooking an issue as vital as this will only tend to make them step farther the next time. Where it could lead to no one knows. Besides being totally unconstitutional, they are acting in a manner detrimental to the rights of the student body.

—DOC FIELD

The Daily Tar Heel

EDITORIAL STAFF

WAYNE KING—Editor
HARRY LLOYD, HARVE HARRIS—Managing Editors
LLOYD LITTLE—Executive News Editor
JIM CLOFFELTER, BILL WUAMETT—News Editors
JIM WALLACE—Photography Editor
CHUCK MOONEY—Feature Editor
ED DUFRE—Sports Editor
CURRY KIRKPATRICK—Asst. Sports Editor
GARRY BLANCHARD—Contributing Editor

BUSINESS STAFF

TIM BURNETT—Business Manager
MIKE MATHERS—Advertising Manager
JIM EVANS—Subscription Manager
JIM ESKRIDGE—Circulation Manager

The DAILY TAR HEEL is published daily except Monday, examination periods and vacations. It is entered as second-class matter in the post office in Chapel Hill, N. C., pursuant to the act of March 3, 1879. Subscription rates: \$4.50 per semester, \$8 per year.
The DAILY TAR HEEL is a subscriber to The United Press International and utilizes the services of the News Bureau of the University of North Carolina.
Published by the Publications Board of the University of North Carolina, Chapel Hill, N. C.

About Letters

The Daily Tar Heel invites readers to use it for expressions of opinion on current topics regardless of viewpoint. Letters must be signed, contain a verifiable address, and be free of libelous material. Brevity and legibility increase the chance of publication. Lengthy letters may be edited or omitted. Absolutely none will be returned.